

**PDPFeb-06 Task Force Sao Paulo meeting
TRANSCRIPTION
December 4 , 2006, 8:00 to 10:00 local time in Sao Paulo**

Note: The following is the output of transcribing from an audio recording of the PDPFeb06 task force meeting on 4 December 2006. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. ;
<http://gns0.icann.org/calendar/#dec>

Deleted: The audio is also available
at

Attendees:

Avri Doria - Nominating Committee – Interim Chair
Sophia Bekele - Nominating Committee
Marilyn Cade – CBUC
Alistair Dixon – CBUC
Greg Ruth – ISPCP
Tony Holmes - ISPCP
Jon Nevett –Networksolutions
Jeff Eckhaus – Register.com
Jeff Neuman - Neustar
Mawaki Chango – NCUC
Kristina Rosette - IPC
David Maher – PIR
June Seo - Registry C
Cary Karp - Registry C –Remote participation
Ken Stubbs – Registry C – remote participation

Observers: Bruce Tonkin GNSO Council Chair,
Keith Drazak Neulevel, Werner Staub – CORE
Marcus Faure – CORE, Scott Hemphill – Affilias
Eva Frölich – PIR, Edmon Chung, .asia

ICANN Staff: Dan Halloran – Deputy General Counsel
Denise Michel – Vice President Policy Development
Liz Williams - Senior Policy Counselor
Glen de Saint Gery – GNSO Secretariat

Absent: Maureen Cubberley - Nominating Committee –Chair - ~~apologies~~
Ute Decker – IPC - absent – apologies

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Avri Doria: Okay. So I guess the first thing would be to go around the room identifying ourselves who's here sort of following the pattern that was set yesterday with Bruce's meeting in terms of just introduce yourself, are you here as - and, you know, where are you from and are you here as a constituency member, as a member of this task force or as an observer.

So I guess, (Owe), we'd start from you.

Tony Holmes: Tony Holmes...

Avri Doria: Okay. Please use the microphones too. Thanks.

Tony Holmes: Tony Holmes, ISPCP.

David Maher: David Maher, registry Constituency.

Jeffrey Neuman: Jeff Neuman, registry Constituency.

Jonathan [Nevett](#): John Nevett, Registrar Constituency.

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Jeffrey Eckhaus: Jeffrey Eckhaus, Registrar Constituency.

Dan Halloran: Dan Halloran, ICANN staff.

Liz Williams: Liz Williams, ICANN staff.

Bruce Tonkin: Bruce Tonkin, Chair of the GNSO.

Avri Doria: Okay, I didn't introduce myself. I'm Avri, NomCom Appointee Interim Chair for the Task Force.

Greg Ruth: Greg Ruth, ISPCP.

(Jon Bing): (Jon Bing), nominated for (GNSO Group), observer.

Mawaki Chango: Mawaki Chango, Noncommercial User Constituency.

Alistair Dixon: Alistair Dixon, Business Constituency.

Marilyn Cade: Marilyn Cade, Business Constituency.

Marcus Faure: Registrar, observer.

Avri Doria: I'd also like to guess if the people on the back would like to just come up to a microphone.

Man: We also are welcome to sit there.

Avri Doria: Yes, you don't have to sit at the back.

(Keith Drazek): Keith Drazek registry Constituency.

(Scott Hempfield registry Constituency.

(Edmund Chong): (Edmund Chong) from DotAsia, observer.

(EvaFrölich): (EvaFrölich (PIR to the Board registry), observer.

Avri Doria: Thank you. Do we have anybody on the phone at the moment?

Cary Karp: That's Cary here.

Avri Doria: Good morning, Cary.

And introduce yourself, Cary?

Cary Karp: Cary Karp, gTLD registry Constituency.

Avri Doria: Thank you. Anyone else on the phone?

Okay. Then I guess, we'll move on.

Before going through the agenda though, Bruce had asked to say a couple of words in introduction to the meeting. So Bruce?

Bruce Tonkin: I thought I'd just open this meeting from a GNSO perspective because
| although I haven't been participating as a member of the task force, I do read
the various emails that traverse back and forth.

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And certainly at the beginning of the policy development process around new gTLDs, we started with a few basic goals that we all should be sharing. And I think whenever you find you're losing your way, it's always good to come back to what those goals are when people are getting concerned about some particular issues.

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So just reiterating your ICANN mission that's from the bylaws, and I'm sure you all know that, is to coordinate at the overall level, the global systems and unique identifiers, ensure a stable and secure operation of the Internet and coordinate policy development reasonably and appropriately related to those identifiers.

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If we then look at what the scope of ICANN policy development process, again, this is straight from the bylaws, the scope and policy development is that, firstly, it's within the scope of ICANN's mission. A policy should be broadly applicable to multiple situations or organizations.

It should be likely to have lasting value or applicability with the need for occasional updates, establishes a guide or a framework for future decision-making, or implicates or affix an existing ICANN policy.

So certainly, this PDP probably relates to Number 4 there and that it strongly creates a framework or guide to staff for the future decision-making regarding contractual changes.

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The GNSO as part of ICANN is responsible for developing the policies related to generic top level domains. It is basically limited to generic top level domain names rather than any of the other identifiers.

Deleted: So that's basically out of the mindsets of identifiers whether they are domain names or IP addresses in these different types of domain names. (ASCAT)

If you've then, I guess, paraphrase ICANN's mission in the context of top level domains you then saw that the mission of the GNSO is to coordinate the systems of generic top level domains and in particular to ensure the stable and secure operations of those identifiers and coordinate policy development reasonably and appropriately related to that.

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So one of the key tests whenever you're coming out with a policy idea and with new gTLDs is obviously lots of different opinions and lots of ideas on how to do things better, but the test that we always came back to when we're doing the work was to say, "Can you explain how your idea is going to improve the stability and secure operations of the Domain Name System?"

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Because there may be ideas that could be great from a consumer protection point of view or could be great for freedom of speech or number of reasons and people around the table come from many different backgrounds, you should be able to answer that question, does it enhance the secure and stable operation of the Internet Domain Name System?

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That's always the question that should be asked or at least come back to as a check to say whether the policy ultimately making sense.

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It's interesting when you look at some of the recent press releases from the US government regarding the dotcom agreement, which use very much the same language.

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And it says that departmental approval of any renewal would occur only if it concludes the approval would serve the public interest in a continued security and stability of the Internet Domain Name System.

So it's pretty much just restating exactly what the ICANN's goal is, as well as restating what the GNSO's goal is. So it's useful to see that exact same wording reflected there.

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The other thing to be aware of and I know people have raised this many times that it's worth understanding that ICANN is not a government entity and it's not a lawmaker.

Its ability to enforce policies on legal entities where the legal entity is a person or a company operating a registry or a company that's a registrar is completely based on in its contracts with ICANN.

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Deleted: that the only mechanism it has to enforce any policy that's developed.

And these contracts somewhat unusually make allowances for changes during the term of those agreements but there are some limitations, and these vary from contract to contract. So what it means is a policy that is developed within this task force if it is approved finally by the Board, may not necessarily be enforceable on an existing operator. And in many cases a lot of things in this PDP and probably the majority of them in fact would not be enforceable on an existing registry operator with an existing contract.

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So, pretty much as I was saying right back at the beginning, it's most relevant during the term of the contracts. So it's...

Bruce Tonkin: Sofinishing off is just saying that the policies - the contracts limit how a policy can be applied during the term of or to a registry agreement.

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((Crosstalk))¶
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Man: That it is not a right clarification, but I would let Bruce finish because, Jon, it's nor right.¶

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And so this work as far as I can see is essentially a guide or a framework for future decision-making.

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Avri Doria: Okay, thank you.

Deleted: most likely. But you're right. That's all I have to say.

Woman: And let me change to...

Man: Can I...

((Crosstalk))

Avri Doria: Actually, no, I don't know that we wanted to actually go into discussion on...

Jeff Neuman: Well, I'd like to comment on Bruce's presentation, just add a couple of things if I could.

Deleted: Jeffrey Eckhaus

Avri Doria: I prefer not to. I'd actually prefer to get into the agenda of the meeting.

((Crosstalk))

Jeff Neuman: Well, we understand you prefer that but there's a presentation that was just made and if that's in the record, then I'd like to comment on that presentation.

Deleted: Jeffrey Eckhaus

David Maher: I think it's appropriate. And it was commented on by Mr. Nevett, so I think Jeff is entitled to make his comment.

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Marilyn Cade: Madam Chair, may I ask you a question for the point of order?

Avri Doria: Please.

Marilyn Cade: Sort of a point of order. This is Marilyn Cade for the record since we're being transcribed.

I'd like to see if we can advance the work of the agenda, and perhaps if people want to submit a statement about their views that could be added to the - just the transcribed record, and we could move ahead with the agenda.

Avri Doria: Okay thank you.

[Jeff Neuman](#): Okay. As to my point of order, I would just like to comment that this presentation by Bruce was not something that was prepared in advance. And if that's going into the records, then I would just like to add to it by commenting on ICANN's mission which I think a couple of things from...

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Avri Doria: Okay. And what I'd like to do is basically this was before we started the agenda, we'll go through the agenda. We get to the point where there's any other business. We can return to this for discussion of Bruce's comments and all the complexities of various people's interpretations of the bylaws, the mission, the legal contracts and such. I'd really like to move to the agenda.

[Jeff Neuman](#): It's not interpretation. I wanted to read through other parts that were not mentioned in ICANN's mission and core values. If Bruce asked us to consider this in the meeting as we go forward, I think that's appropriate.

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Avri Doria: Okay. If you'll limit it to reading the two parts of the - then can I have the...?

[Jeff Neuman](#): I think it's pretty quick.

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Avri Doria: Okay, you can put...

[Jeff Neuman](#): Okay. In the core mission, I mean, I think it's good that Bruce read the ICANN mission, but I think two core values are of importance here.

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[Jeff Neuman](#): Hold on...

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Avri Doria: But then after that, we'll get into the agenda of this meeting and move any discussion of core values relevant and everything else to other business.

Man: To delve on core values (unintelligible) the business core values...

Avri Doria: Can you speak into the microphone...

Man: ...core values are (unintelligible) the operation and stability (unintelligible) innovation and provide information (unintelligible) mission requiring...

Bruce Tonkin: No, I'm not connected. Sorry. Making decisions by finding documented policies mutually and objectively with integrity and fairness and acting with a spree that is responsive to the needs of the Internet while as part of the decision-making process, obtaining informed (unintelligible) most affected remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness while remaining rigid in the private sector recognizing the government and public authorities are responsible for public policy of taking into account the government sole policy authority recommendations.

So, to which values did you want to refer to?

[Jeff Neuman](#): ...that you got irrelevant from our perspective. I mean, they're all relevant but you wanted to single out was where feasible and appropriate depending on market mechanisms to promote and sustain a competitive environment, that's Number 5. And Number 8, making decisions by applying documented policies neutrally and objectively with integrity and fairness.

Deleted: Man

And the other comment is on the com agreements just real quick, a recognition that it's not ICANN that will determine whether something is in the public interest, but it's the government - the US government.

Bruce Tonkin: Correct. Yeah, yeah.

[Jeff Neuman](#): So, yeah. I think that's it.

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Avri Doria: Can we now move on from that?

Woman: We have trouble...

Avri Doria: Okay, so moving to the agenda.

We had on the agenda, acceptance of minutes of previous meetings, updated statements of interest that we do at the beginning of all meetings, review of constituency positions on the draft recommendations.

And we'll basically walk through those and review and see if there are any changes or additions, especially among constituencies that didn't happen to be at the meeting when we are talking about it or those who are going to back to their constituencies to see further level support.

Then there's review of the draft task report and that's really more an item as opposed to walking through the task force report. It's sort of look at what has to happen next to it and where we take it from here, agreement on the task force timeline and work program including completion of the task force and then notifying the Council and date of consideration and then the posting of the task force report, and then the posting of the task force report.

Are there any other items of business that need to be added to this agenda?

No? Okay. In which case, we'll move along with this agenda and go to the acceptance of the minutes for the previous meeting.

Those were sent out, Liz, when or they're posted, correct?

Actually they're in - they're listed in the materials that were...

Liz Williams: Glen, will have the (unintelligible) data sent out.

Avri Doria: Right. We should find the (unintelligible) data to say which ones we're actually approving.

Liz Williams: Just also for the benefit of the new people on the group, the materials can all be found on the draft document section of the GNSO's Web site. And the minutes can be found - Glen can send you the direct link to those. Also a note that minutes were not taken off the last meeting because we are walking through this document which is now reflected, it formed the purpose of a meeting.

Woman: So far we have to...?

Liz Williams: No. Okay.

Avri Doria: So some of this agenda that...

With this agenda, we actually don't have any minutes to approve.

Liz Williams: Yes.

Avri Doria: Okay.

Liz Williams: But there is a note though that for everybody who is new and there's quite a number of new people, the repertoire group materials that were the subject of intensive discussion through October and early November are all available on the Web site as all the transcriptions. So if you would help refining anything, just come in and I'll give you a hand.

Avri Doria: So I apologize for not bringing an agenda item that should have said review of materials and where they are to be found.

Okay. So basically moving to updated statements of interest, was there anyone who was is member of this task force that wishes to update their statement of interest at this point?

Yes, please.

Jeffrey Newman: My name is Jeff Newman. I didn't file one. I was not initially a member of the task force.

So for the record, I work for NeuStar. One of our subsidiaries, wholly owned subsidiaries is NewLevel and we are the registry operator for DotBiz. NeuStar is also the registry operator for the DotUS top level domain.

Avri Doria: Thank you.

Any other updated or new statements of interest?

No? Okay, thanks. Then we'll move on to review of the constituency positions on the draft recommendations. I've got that up here.

Marilyn Cade: Avri?

Avri Doria: Yes?

Marilyn Cade: Could we just - before we do that, could we just have just a quick glance to what these documents are that are in (there down), just a headline report...

((Crosstalk))

Avri Doria: Sure.

Marilyn Cade: ...this is this, this is this, this is this.

Avri Doria: Yeah.

Okay, Liz, would you like to do that?

Liz Williams: Yes, sure.

Everyone, we're working from this backpack today and it says on the front, "PDP Feb '06 draw poll results from draft policy recommendations."

The first part of that pack is the work that was done on the last conference call we had which is walking through and taking straw poll votes on the policy recommendations that had come out of the repertoire groups and then further discussions. So that first slim part of it.

Then that far through the document you will find the draft task force report as it currently stand which was released on the 7th of November. The intention is that the slim part, that will be the main bulk of the meeting.

The back of it is where all the constituency statements and all of the repertoire group materials on each term of reference can be found.

Yes, Alistair?

Alistair Dixon: Liz, I just wanted to ask a question. So I notice with the various policy recommendations...

Liz Williams: Yes.

Alistair Dixon: ...that - this is certainly in relation to A there, constituency positions task force member positions but for the subsequent ones, they doesn't seemed to be. And I thought the early edition of this document did have...

((Crosstalk))

Liz Williams: Yeah. Well, that was a really interesting point that you raised. When we went through the MP3 recording of the last task force meeting, sometimes there were votes not taken on things. And the purpose of this is that to really confirm where they will vote from particular things because it wasn't done...

Alistair Dixon: Right.

Liz Williams: ...in a particularly ordered way. So I made clarifications of that.

There is also a chart at the back of the document, the first draft of that chart which has not been updated. I sent an initial one around which we need to be improved.

And the distinction between those two things is that the policy recommendations are different from the terms of reference. Each of the terms of reference had multiple policy recommendations underneath them and the chart does not recognize that yet.

And I don't have sufficiently good confirmation of the - on the first page at the top of the screen there, you'll see that for Policy Recommendation A that there should be a policy driving the new constituencies who voted yes -- BC, (IFIN) and Registrars; the Registries abstained.

Then there were individual task force members' together vote on these things -- Danny, Maureen, Avri, et cetera. And we need to go through and make sure that that's actually the position that people want represented.

Avri Doria: Okay, I had two. I had Marilyn and then I had Jeff.

Marilyn Cade: Thanks for binding the document and for putting it all in one site, but I had a few questions.

I think if we could, as a standard approach - I'm not sure, Liz, that if we have a Term of Reference 1A and then we go into Policy Recommendation, A, B, C, D, E, I was the repertoire for that and we didn't actually have...

Liz Williams: This is copied directly from the document that Avri and Maureen put together for the last conference call. And Maureen and I, we wanted the representation of those particular policy recommendations under each term of reference.

Marilyn Cade: I'm just pointing out that earlier documents when we work on this did not reference this as Policy Recommendation A. We had the six terms of reference and then we had sub-elements. So whenever we act- we may have a problem with linking back to the previous discussions, we keep introducing new type policies.

Liz Williams: It was really hard to do that in...

((Crosstalk))

Marilyn Cade: So that's one point.

Avri Doria: Yeah.

Marilyn Cade: The second point is...

Avri Doria: I think - can I comment on that one? I think - yeah, what I would have thought to see would be a Term of Reference 1 -- 1, 2, 3, 4; Term of Reference 2 -- 1, 2, 3, 4 as opposed to a complete sequential numbering or lettering.

Marilyn Cade: And we had had a discussion in the past and agreed at the council that we do have a rough approach to send the typology, so it would be 1.1. 1.2.

So, we could just take that as something to stick from the future, but the bigger concern to me is we did take straw polls on much of this and I counted on the staff to document that. I understand I've heard since that the MP3 was not adequate but I'm sure the staff just note. I don't think...

Liz Williams: Yes. And I have to say that we took very, very detailed notes. And Glen and I went back (unintelligible) on many different occasions to double-check the votes.

And when you have, for example, the distinction between registry -- not registry, sorry -- constituency representatives voting for a particular position and the distinction between that and task force members voting, it was not clear to me which is why I really want to spend some time going through and confirming at a face-to-face meeting that's where you actually - what you actually intended. Because for both Glen and I taking very detailed notes and listening to the MP3 recording, it was not clear. So I'm just saying that we just add that point, that's just a fact.

Avri Doria: Okay. And unfortunately, I can't add stuff because, A, I wasn't in the role of Chair, I was only there for part of the meeting because I was in an airport.

Jeff?

Jeff Eckhaus: First, I just want to recognize that the role that's - and the job Liz has done is just incredible. And she's dealt with a lot of hard forces and, you know, so I think she's done a really good job.

But my comment and I don't know when the appropriate place is to raise it, but I view this, you know, as a person who was involved, you know, with Marilyn and with others in drafting the PDP policy that's in the bylaws.

We object to the or we - me and the Registries object to calling this a final report because of the deliberative process that's taking place since and that the recommendations that have come forth out of odds are completely new to a great extent and should be more viewed as a preliminary report under the PDP

process than a final report, which would mean to say that once our preliminary report is done, it should go back to the constituencies. It should go back out to public comment through that preliminary report process and reading the bylaws.

Because according to my reading and when we drafted the PDP process, the role was when a preliminary report comes out, that's when all the deliberation in the task force takes place. They produce the report.

Then it remains to be seen whether the task force was to meet again but really, the role was to gather the public comments, append them to the preliminary report, and then present that to the council. It was not for the task force to completely redo its policies and circumvent the whole process.

So, I mean, that's - again, I don't know - knowing the appropriate places, do we raise it here, do we raise it to the council, but this is really a preliminary report.

Avri Doria: Thank you.

I actually don't know that this is the time that Bruce wanted to comment on that.

Bruce Tonkin: The issue raised - Jeff has kind of commented I think to all the policy development work that we have under way both the WHOIS, the PDP December '05 and the Feb '06 one, I've had some discussions. I've gone through this with Dan as well.

Basically the PDP, it's fairly well known, it's not particularly well drafted as it presently stands and it's drafted in a way that it's assuming that the starting point of that PDP is almost a consensus position to start with.

And you go out and you get your consensus statements so you - your constituency statements and then as you know, ten days to clean up the report and off you go. So the whole PDP process as it's currently drafted almost assumes you've already reached consensus before you start and that's the only way you need those timelines to make sense.

When we looked at this one, looking at it with respect to WHOIS, because these PDPs go on for substantial periods of time and the period of time between the initial issues report and the final report might be a year and the positions that the constituencies [have](#) can vary greatly over that period of time as a general approach, what we will do for each of those PDPs before we certainly make any final decision on it by the council is we will go back and, I guess, recheck the position from each of the constituencies because the constituencies were commenting on an issues report.

Now, we have, you know, whatever the PDPs set of recommendations which wouldn't cover any issues report typically like in any of those cases. So I think it's absolutely reasonable that the constituencies then come back and comment because the final report has a section which is - includes for constituency statements and the impact on those constituencies.

So there's no way you could take that from the original constituency statements because they're [commenting on the issues report, not on the draft recommendations.](#)

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So that is something that we will add in addition to the bylaws as opposed to in conflict with the bylaws.

Jeff [Neuman](#): Well, I think that makes sense. I mean, I just want to make sure that the constituencies would have another shot at commenting before the council discuss the issue - okay, thanks.

Deleted: Eckhaus

Avri Doria: Okay, thanks.

So, have we covered that issue? So we'll get back to it later. But yes, we'll...

Okay. In that case, I would like to start walking through the - each of the recommendations. I would like to assume that we would renumber them from the consecutive A through K, which does get confusing...

((Crosstalk))

Liz Williams: Sorry, Avri, just a confirmation you want. You want Term of Reference 1, and then underneath whatever it is, 1 and then 1 or how do you want it?

Avri Doria: One dot one, 1.2 and 1.3...

Liz Williams: Two-one-dot-three. Fine.

Okay.

Avri Doria: ...2.1, 2.2. And then if there are sub-recommendations and I don't know if we've got that...

Liz Williams: That's fine.

((Crosstalk))

Avri Doria: ...would be 2.1.1.

Liz Williams: What I'd also like to see though, when we go through, there were some things that it's just self-evident that if everyone supports one policy recommendation as it stands here, they can't possibly sort the others, but I just want you to make an absolute clarification.

For example, look at Policy Recommendation A and if the BC, the ISPs and the Registrars support A, then it means that they won't support D or E. And that means that they'll be no vote recorded for that recommendation.

Avri Doria: I don't know that that's necessarily the case. But why don't we get to them...

Liz Williams: I'm just using it as a hypothetical example.

Avri Doria: ...as opposed to talking about it in abstract, why don't we - when we get to one of those and you think that's the case, then we can clarify it.

Okay. So, I'd like to walk through and also sort of, you know, as I say, at some of the meetings for example, we have NCUC who wasn't necessarily (unintelligible) and I think the ISP - I mean, the IPC weren't necessarily at all of them.

So, okay. So basically, Policy Recommendation A. And what I guess we'll need to do is look at the constituencies who said yes, look at those that were either there or who abstained, see if they want to change, and we did.

We did do a vote in terms of when each person was polled, they basically indicated whether they were speaking for themselves alone or were speaking for the constituency.

When they spoke for constituency, often they, you know, the two who might be there from the BC would say, yes, you know, that's the constituency position or that's consistent with the constituency position.

So anyhow, Policy Recommendation A, is there should be a policy guiding renewal. What was recorded was that, the BC, ISP, and RC said yes and the registry abstained.

So I guess I'd like to, first of all, confirm those yeses on the constituency. Does the BC confirm its support of the Policy Recommendation A?

Man: Yes, we do.

Avri Doria: Okay, thank you.

Does ISP confirm its support of Policy Recommendation A?

Man: Yes, we do.

Avri Doria: Okay, thank you.

From the Registrar...

Man: Yes.

Avri Doria: Okay.

None, there was an abstention from the registry. Does that abstention remain an abstention?

Man: Yes.

Avri Doria: Okay, thank you.

Jeff Eckhaus: Can I also just add that it says - and Liz, you know that there's further clarification in an actual - is it just the meaning of the vote or is that a further clarification on the note itself?

Woman: (Unintelligible).

Jeff Eckhaus: Okay. And also, I do believe it was the registry's point that this was out of scope and that's why we...

Liz Williams: I'm not going to reflect that kind of commentary here. It distracts from us. And what I'll do is when I write the report, I will put in the commentary that the registry constituency said this was out of scope, but we'll still reflect the vote a sit stand.

Jeff Eckhaus: Okay. But that will be more than...

Woman: Jeff...

Woman: Yeah, yeah.

Jeff Eckhaus: Sorry, more than a footnote, it - I mean, it's going to be...

Woman: (Unintelligible).

Jeff Eckhaus: Okay. Let's not classify this as a minority, but right.

Avri Doria: Right. Okay, well...

I was going to say that, you know, we do have a procedure, Jeff. I support the idea that the Registries need to have their vote noted as whatever their vote is wherever. So that it is, we are not voting because we think this particular element is out of scope, I think that should be recorded.

But we also do have in the whole procedure the opportunity for any individual or group to draft in a minority report.

Man: Right, right.

Avri Doria: And if we don't - want to call it minority, we can just call a position statement hat it's appended to the documents.

Okay. I'd also like to check two of the constituencies, correct, NCUC and IPC are not reflected in this and I'd like - from NCUC, can you give me a - the NCUC position on this Policy Recommendation A?

Man: Yeah. First, I'd like to clarify what does mean here to have task force members?

Avri Doria: Okay. Basically, what we did on the vote is we took not only constituency positions but we also recorded individual position. So that was, for example, one way to record the positions of everybody who was participating in the

task force or people like NomCom appointees who cannot speak for constituency because they don't have one.

And occasionally, as you go through this you'll see that sometimes they weren't quite sure what the constituencies position on something was but they were able to give their own personal view of the position and then they were going to go back and talk to the constituencies and get further clarification that hopefully we have today.

Jon Nevett: Avri, a quick question. Those names under task force member, those are yes votes? That's my recollection at least.

Avri Doria: I believe that those were yes votes. But yes, I have to say.

((Crosstalk))

Avri Doria: Right.

So in other words, you would record - probably it should be updated.

And while we're at it, can we just sort of - even through we're talking about A, we can say that this is 1.1, right? We can actually. I can't write it here because this is a PDF file, otherwise I would change it. Right.

Woman: Yes.

Avri Doria: Right. But then we'd be...

Okay. So, getting back to the question...

Man: Yeah. Thanks to Jon, that was my next question actually. So, the task force members voted yes.

I have to say the discussion has not taken place yet, I'll refer the Noncommercial User Constituency. But my presumption, my sound presumption is that the position that Danny took will be maintained but unfortunately, since we are looking for clarification and confirmation, I can't say there is a confirmation at this point in time.

And once again, I would like to apologize that they haven't been able to follow (unintelligible) during this semester but I'm hoping that I'll do better next semester.

Avri Doria: Okay. We probably should add a column to all of this that says, "Pending," and we will get the statements. So at the moment we add NCUC to pending.

Do we add your name personally to supporting in the line below?

Man: Yes please.

Avri Doria: Okay, thank you.

Okay. From a...

Mawaki Chango: I'm sorry. Why would we do that? Tomorrow is Constituency Day, why would we add his name? I'm sure he can confirm that tomorrow and get the - I wouldn't add his name at this point in time, just say pending. Tomorrow I'm sure the NCUC will discuss it, I'm sure they'll come with a position, and then we could update it at that time.

((Crosstalk))

Woman: Can we just proceed on the agenda we have and leave it up to the constituencies to validate their votes and go ahead and move this?

Woman: We were also missing the IPC, (Kristina) and I wondered if you were...

((Crosstalk))

Avri Doria: I was about to ask for the IPC.

Woman: Yes.

Avri Doria: Okay. So we do. Thank you. That was quick. Thanks.

Okay. Moving on to Policy -- oops -- moving on Policy Recommendation B...

Woman: Can I just make a - as a repertoire for this, can I just make a clarification? In the repertoire report, we showed this as "or." So you're - and that's not clear here. And I think that it is more helpful to think of this just so it's 1.2 or 1. -- sorry -- 1.1.2 or 1.1.3, or 1.1.4. These were options, so that I think was the...

((Crosstalk))

Woman: ...you were talking about.

Man: I don't think B is in order. I think it's C, D, E that you're talking about.

Woman: Thank you. But when we renumber this if we could.

Avri Doria: Okay?

So on B, B was a standalone. So on this one is there should be a standard term for all gTLD Registries that is a commercially reasonable length, with commercially reasonable length not having been defined nor necessarily linked to commercially reasonable length in PDP '05 though my personal hope is that the commercially reasonable length would mean the same in both cases, but that's just a personal hope.

Now, I see no constituency votes listed here. And while I was in an airport, I do remember that there were constituency votes, but I guess the best I can do is go through on a confirmation and basically check them.

Liz Williams: Avri, just a little note of explanation there. The reason why there isn't a vote there on the commercially reasonable length was that commercially - the length of the term was not confirmed. So we had half a vote.

Yes, there should have been a standard term but nobody defined commercially reasonable length in terms of ten years or five years or whatever because we talked about what other industries did.

So I just need a confirmation on that.

Man: Could you list the people who voted for the first part? That would be helpful?

Avri Doria: Like people that listed that they accepted commercial - that there should be a commercially reasonable...

((Crosstalk))

Avri Doria: ...even with that length not having been defined yet.

((Crosstalk))

Avri Doria: Okay. Although I can also - right.

Okay. So I'll just walk through them. So the registry constituency where were
- you want that one?

Man: The constituency is going to discuss this and come back with a position
tomorrow, so it has not as a constituency. But I believe on the call as
individuals subject to the abstention initially, as individuals, I know I
personally said that that part is just saying that commercially reasonable
length was okay with - and intentionally, not defining what commercially
reasonable means.

Avri Doria: Right. Because that's why we were going to economist.

Okay, so it goes into the pending column.

The Registrar constituency?

Man: We voted in favor.

Avri Doria: Okay, thank you.

The ISP?

Man: Yes.

Avri Doria: So that was a constituency yes. Okay.

The Business Constituency?

Man: Yes.

Avri Doria: Thank you.

The IPC?

Kristina: Pending until tomorrow afternoon.

Avri Doria: Thank you.

And NCUC?

Mawaki: Pending.

Avri Doria: Okay. Did I catch them all?

Yes, thank you.

Okay. So that one had three favors and three pendings.

Liz Williams: Yes, it did. And Avri, just to make sure that if you wanted to express a position as you're a Nominating Committee person, then your name would appear under the task force members...

((Crosstalk))

Avri Doria: Okay, yeah. Correct, I forgot my self. It's one of those problems you always have when you count everybody and leave yourself out.

Yeah, I support it.

Okay. Now, with the next one, this was basically an "or" so we really - this is one of the cases where we should basically have each constituency say which one they support as opposed to yay or nay on the particular clauses. So we had three and this is where it gets confusing.

So we had - one possibility was there should be a reasonable expectation of renewal for all registry agreement. Then the other possibility was there should be renewal expectancy for all registry agreement. And then the third one was there should be a presumption of renewal for all registry agreements.

And those were the three choices, correct?

Okay. We forgot?

Okay. So, what I guess I'd do is walk through the three unless there are any questions before we do.

Yes?

Kristina: I just want a clarification as to what would be -- for purposes of the council -- the most productive response if the constituency's position is "yes, but," to just articulate it that way or to abstain? What would you prefer?

Avri Doria: I would personally prefer a "yes, but," and then explain the but...

Kristina: Sure. Correct.

Avri Doria: ...in a follow-on statement.

Kristina: Sure.

Woman: With one - just one thing to consider is that, of course, with an abstention vote, you do have the option of providing an explanation. Abstentions count as no, so those are maybe additional things to be aware of.

Avri Doria: Right. So yes. So yes, there's a "yes, plus" and then there's a "no, plus" but...

Man: I don't think there's a "yes, but." It all depends. I mean that doesn't make sense.

We're asked to vote on these recommendations; either it's yes or no or further workings to be done. Not - because if the council is going to be interpreting, if anyone is going to interpreting this report and all they look at is yes and then don't care about the but, they'll just say there is consensus and that's just ridiculous.

It's either yes - that's what we were told on the previous call. It was a yes, no, or abstention because we were told we couldn't change the wording of these recommendations.

Woman: Avri, could I ask a point of clarification? Perhaps Kristina and you, if there is a "yes, but" concept, perhaps you - what you're really looking for is some discussion about what each of these was supposed to mean like what it is or...

Avri Doria: Yes, but -- sorry -- I couldn't resist that.

Woman: Okay.

Avri Doria: I'm - in order to kind of things moving along, I'm more than happy to, you know, identify the IPC position that's spending and come back tomorrow, just to kind of keep the flow going.

So was there a need to clarify before we went on?

Yes?

Man: I just wanted to confirm what - initially, there was only one this formulation I think -- initially.

Avri Doria: Initially? Yes, at the beginning of time there was only one and then alternates were all.

Man: Okay.

Avri Doria: ...but long before we got to this point.

Woman: Repertoire Group A.

Avri Doria: Right.

Man: Yeah, before the repertoire groups.

Avri Doria: Okay.

Man: I'm talking about the further repertoire groups because we made a statement about this and...

((Crosstalk))

Avri Doria: Yes. And your statement is what brought about they're being more than one possibility.

Man: Okay. Could you just remind me which one -- between D and E?

Avri Doria: Which one was yours?

Man: Which one was the initial unique recommendation between D and E?

Avri Doria: The presumption of renewal for all registry agreements was I believe the original possibility, and then basically the notion of renewal expectancy was brought in and then the notion of whether renewal expectancy was for reasonable expectation of renewal or renewal expectancy were - and those - the first one was in a further nuance on renewal expectancy.

Woman: The first one incorporates the idea that while there can be - and I just say, Liz, for the record, those definitions are going to need to be put back into the document at some point as a resource.

But the first one incorporates the idea that there can be a reasonable expectation of renewal but there will be a competitive bid.

Avri Doria: Right. Okay.

Woman: So there may be - while the renewal expectancy did not assume a competitive bid but it did assume that the ICANN staff could offer to negotiate. And the presumption of renewal is basically that almost there will be a renewal unless there has been a significant breach, but their actual definition that we should go...

Avri Doria: Okay. And perhaps, yeah, it would be good if those definitions were in here.

Before we go through this, do people need those definitions? Or is the discussion we just had sufficient?

So basically, I'm going to ask people to choose between C, D and E, with C is reasonable expectation with a bid, D is renewal expectancy as was defined in the original document by NCUC, and then the strongest case was presumption of renewal for all registry agreements is E.

And I would ask each registry to basically give and that each constituency, please, to give it's - yeah, forgive me when I trip over my tongue, I will throw things at me whichever works best.

So, okay, going through the constituencies, one the registry Constituency C, D or E.

Jeff Neuman: So registry Constituency, given that E is what existing COM NET movie, Asia, travel, (tel), (cad), aero, museum, (cool off) and jobs, 11 of the 16 TLDs that cannot be changed, the only acceptable answer is E.

Avri Doria: Thank you for both the vote and for the statement.

Registrar, okay.

Jon Nevett: B.

Avri Doria: Thank you.

Nevett: With no statement

Avri Doria: With no statement. Okay, thank you.

ISP?

Man: C, that's a constituency position.

Avri Doria: Okay. Thank you.

Yeah, at the moment I'm only asking for constituency.

C. We'll leave this one.

Okay, ISP? I'm not getting the -- oh, we just did the ISP.

BC?

Marilyn: The BC position is what we would call 1.3, right, which is C.

Avri Doria: Yes, okay.

To keep it in the - on this vote, keep it in the C, D, E.

Okay, IPC?

Kristina: Pending.

Avri Doria: Pending, thank you.

NCUC?

Man: We haven't changed our minds. Yes.

Avri Doria: So are you pending or are you voting D?

Man: Yes, I got a little -- sorry -- I got a little bit confused by your last statement about our definition of D because what you said earlier on the initial formulation was actually E, we did support the initial formulation. So I would tend to think it was (PTC) position.

Avri Doria: Okay.

Man: But you may...

((Crosstalk))

Avri Doria: Well, you submitted the D but perhaps you were just submitting it for discussion purposes and the NCUC supports E is quite possible.

Man: Yes.

Avri Doria: I don't know but...

Man: You mean...

Man: I objective to this whole line. I mean, let him...

Avri Doria: Yeah.

Man: He is - initially is going back to the constituency...

Avri Doria: He's either pending or his vote?

Man: Right, right. Let's...

Avri Doria: And I wasn't trying to change his vote.

Man: It just sounds like it's...

Man: No, no, she wasn't. So we haven't changed our minds from the initial...

Avri Doria: So you are E.

Okay. Did I cover all the constituencies?

Yes I did. Okay, then I guess I have a personal one and I get to go C.

Okay. Then the next one - so that is - that was 1A.

Liz Williams: Avri, would you mind if I just - before we move on?

Avri Doria: Recap?

Liz Williams: No, no, no, not recap at all, that's fine. But for those with pending votes, would you mind sending them to me by email to the list? Yes, is that okay, just as a general matter of course?

Avri Doria: And so basically the assumption if I can make one more thing I'd like to assume that any of the pending votes can be delivered by the end of tomorrow. Does that make sense since tomorrow is the Constituency Day that any of those pendings get dealt with tomorrow during Constituency Day?

Yes?

Man: I'll just like to add two quick points for the record. Our position is E if E was indeed the initial terms of reference as formulated in the initial report. And then I think reflecting on the discussions that we've had, we may consider changing -- not that we are offering this three options --we may consider changing our vote -- final vote.

Avri Doria: Okay, thank you.

Man: Thanks.

Avri Doria: Right. You're either - yeah, I mean you've either voted or you're pending.

So are you pending or have you voted?

Man: Pending.

Avri Doria: Thank you.

Man: Can I just make a note on the - by tomorrow, I don't think that's really fair to make the attendance of the meeting. I mean, it's up to the constituencies if they want - if they can do it tomorrow, that's great, but don't make attendance at an ICANN meeting mandatory to have our constituency statements.

Avri Doria: Okay.

I wasn't looking for a constituency statement, but a vote. But you're right, if a constituency comes and says, "We couldn't do it," what am I going to do?

Okay, moving on to, I guess, it would be F here.

Man: There are a lot of questions and comments...

This is (unintelligible). Since there are a lot of discussions about whether someone voted or not voted, I'm not sure that it's really a useful discussion.

Because if you come back at the overall process, really, the council vote to decide whether it's the constituency recommendation and then they give that recommendation to the Board and the Board takes further advice.

And we've already discussed earlier that Jeff's comment was that, you know, the final report will be or what I've suggested to be called as a draft final report should be put out and get formal statements.

And I would expect that the constituencies would have a process for creating those formal statements and they would use their voting mechanisms to do that.

What we've done with the December '05 PDP is really just represent it in general terms that those are the recommendations that have strong support. We'll just use the term strong.

And that's fairly easy to determine strong as you know, say, you know, well over half to sort of trying to get down to just spending hours debating whether it was as yes, but, maybe, no possibly, this seems to be a big waste of time to me. That's just an outside observation.

Avri Doria: Yeah. And in fact, we have been originally set up on whether these were strong and had actually set up that notion, but in the walking through the straw polls that did fall apart on occasion.

So I think what we do is basically we'll look back and sort of say we have for constituencies that said they were behind that we'll call it strong, it's not actually coming as a vote.

Man: Yeah. We got to get more comment.

Avri Doria: Right. Yeah. Yes.

Man: I'd like to object to that concept of using the straw poll to support strong. The idea of a straw poll, which came about as I understand it in the repertoire groups, these very limited kinds of voting are not consistent with the idea of building consensus on policy.

And it's fine to characterize as a recommendation but saying it's a strong recommendation based on straw poll voting, I think is dishonest.

Marilyn Cade: I think actually - let me see if I can -- and it's Marilyn Cade speaking for the record since we are being recorded. I believe the practice that we followed look something like this.

In task forces and I've chaired two, we do typically take show of support votes, they are not consensus votes, they are show of support votes. That's what we're doing here I believe.

In the repertoire group because we we're using a repertoire process and we agreed on procedures that were specific to the repertoire, we called what we did a straw poll. But I think those are two different...

Avri Doria: And I think that was misnomer on my part. These are really statements of support.

Jeffrey Neuman: Can you walk me - maybe I'm just having a tough time -- this is Jeff Neuman for the record. I guess people don't know my voice.

So take me through the hypothetical. Let's take this last one here. So let's say there are two constituencies that have voted C, let's say, the IPC says C also. Let's say they're hypothetical.

So they'll be three constituencies, let's say C, to that, either say D or through, let's say, E depending on NCUC which way they go. And one nominating committee that says C and maybe either even two nominating - three nominating committee people, let's say C, I don't understand. Help me walk through that. Tell me what...

Avri Doria: At that point, you'd have to say that the support was split and, you know, you'd have to indicate how. I mean you don't have a strong support.

Man: Or you give the constituencies an opportunity to go back to just like we talk about and if this, you know, a lot of support for C and a lot of support for E,

maybe the people on D would look at one of the other and see if it reach consensus on one of the other. But...

Man: So you force that to say either there's no policy or you pick C because that's - or you pick E...

Woman: Avri, this is...

Man: I touched - it's a bizarre process, but okay.

Woman: ...really premature, right? What we're trying to do is provide a set recommendation that will not only go back to the constituencies but will go after the public for comments.

After that, we take the - I mean I just read this whole procedure again last night for boredom or something. After that, we take the public comment input we've gotten. We take the further constituency comment and then we prepare a final report. And that goes to the council.

Man: I thought this was the final report. I'm confused now.

((Crosstalk))

Man: Okay.

Avri Doria: Let's move on.

Okay. So Reference 1B, registry agreement renewal standardization. 1B is the - recognizing that the now existing registry agreements share the same rights of renewal, use the findings of that to determine whether or not those conditions should be standardized across all future agreements.

So the policy recommendation -- let me see -- was this a multiple choice?

Yes, this was a multiple choice between F, G, - F and G. Okay. And just...

Liz Williams: Just a point of clarification, Avri. I did make a note that Alistair had some commentary when we had the last conference call. And Alistair, I think I sent you a note and I don't know whether that was actually correct.

Is there any additional text that you wanted to add? Or had I dubbed you into something that you didn't want to do?

Alistair Dixon: Well actually, Liz, when I read this on the plane, I thought (unintelligible).

Liz Williams: It's very early in the morning, Alistair, maybe - I don't know.

Alistair Dixon: Right.

Liz Williams: If it's not correct, we'll take it out. I had a note in my - it seemed that Alistair is going to provide this one too.

Alistair Dixon: I can't recall it.

Liz Williams: Fine. Thank you.

Alistair Dixon: Yeah.

And in fact, because I think our position was actually G rather than E so, you know.

Avri Doria: So in which case, we'll walk through the - yes?

Woman: I just wanted to ask a point of clarification.

For purposes of policy recommendations F and G, is right of renewal that's referred to whatever the outcome is as among D, C or E?

Avri Doria: Yes.

Woman: Okay.

Avri Doria: Okay. So going through the constituencies -- registry Constituency F or G?

Man: I think this is pending because we haven't discussed this...

((Crosstalk))

Avri Doria: Okay, thank you. So support for that is pending.

Registrar Constituency support for F or G?

Jon: F.

Avri Doria: Thank you.

ISP Constituency support for F or G?

Man: F.

Avri Doria: Thank you.

Business Constituency support for F or G?

Alistair: I think our support was for G.

Avri Doria: For G, thank you.

IPC support for F or G?

Kristina: I'm going to continue with pending.

Avri Doria: Thank you.

NCUC support for F or G?

Mawaki: G.

Avri Doria: Thank you.

Okay. And the - I guess me would be G.

Okay, moving.

Yes?

Man: ...recall what I said.

Avri Doria: Okay.

Alistair: (I didn't recall). Obviously, it's (unintelligible).

I think the statement was basically - it would be possible for us, for example, support F if they were a rebid. So that was, I think, what I was continuing to discuss. But I mean we can stick with G for the moment.

Avri Doria: Right. So basically, depending on how things came out in the discussions on the final...

Man: That's right, yes.

Avri Doria: ...project.

Man: Yeah.

Avri Doria: Okay. But the support is currently for G.

Man: Yeah, that's right.

Avri Doria: Okay, thank you.

Okay. So moving on, Reference 2 so that we actually made it for Terms of Reference 1.

Reference 2, relationship between registry agreements and consensus policies, examine where the consensus policy limitations and registry agreements are appropriate and how these limitations should be determined.

And now that we have A, we have a multiple choice here too, right, between H, I, J or K. So we have a four-way multiple choices here. And looking for

whether support is for H, consensus policy limitations are inappropriate, or I, consensus policy should always apply to all gTLD Registries?

Man: Yeah. Didn't we -- just a clarification -- didn't we say H and I was really the same thing?

Woman: We did.

Avri Doria: They really look a lot the same.

Woman: You know, we did, we collapsed them into one and we...

Avri Doria: Okay.

Woman: And the way we did that was by putting a (semicolon) after the word "inappropriate" and reading the rest of it.

Avri Doria: And reading the rest of it, okay. So it's an H, I, okay.

Then J is consensus policy should always be a part to all gTLD Registries on in individual basis during the contract negotiation. A registry could present a situation on analysis and justification which should be posted for public comment before acceptance inclusion in the contract for an exception and/or modification from a particular consensus policy due to unique circumstances of how a particular policy would affect the registry. Of course, this is interesting.

Such an exception will not create any prejudice for extension to any other gTLD registry.

So that's option J and option K that's looking for support - would be the present limitations to consensus policy are appropriate and should continue. So consensus policy in all cases, consensus policy is basically in most cases with the wording for possible exception modification and essentially, the status quo position of consensus policy limitations are appropriate and should continue.

So, I will go through the constituencies, unless there are questions. No. And ask for support on H, I, or J, or K.

So registry Constituency, which of those three -- I, J or K?

David Maher: We'll develop a position. This is David Maher. We'll develop a position tomorrow at our meeting.

Avri Doria: Okay, so pending.

Okay, Registrar Constituency, I, J, or K support?

Man: Pending.

Avri Doria: Pending. Okay, thank you.

ISP, I, J or K support?

Greg: We're pending too.

Avri Doria: Pending. Okay, thank you.

Business Constituency, I, J or K support?

Alistair: We support J.

Avri Doria: J, thank you.

IPC, I, J or K support?

Kristina: Pending.

Avri Doria: Okay, thank you.

NCUC, I, J or K support?

Mawaki: Pending.

Avri Doria: Okay. So - and I would go with J.

Yes...

Man: Can I just ask a question? Is there an opportunity to change J, make some subtle changes? Maybe not - obviously not here but as I take it back to the constituency, if there are some - I guess it's the "yes, but" question because I suspect we would go with J but we want to make some changes. So we'll bring that back to the...

((Crosstalk))

Avri Doria: Yeah, I believe - I mean until - I think as long as the report hasn't been voted on and sent to the council, it's open for discussions and changes and suggested modifications. I mean...

Woman: And wouldn't you also be able to - it seems to me that as a minority opinion, you could present a substitute language?

Avri Doria: I mean, yes. Was the statement attached? I believe that until we've sent it on, it's still open for...

Man: I raised it because it seems like the vast majority of the constituencies are pending so that the...

Avri Doria: So, yes. They're all abstained.

Man: ...people are going to be considering this tomorrow to the extent there are changes that might want to happen, we might want to talk about an event for the constituency minutes.

Avri Doria: Yeah, that seems to make sense, certainly something makes the language in J less complex.

Moving now to the...

(Ely): And to the earlier clarification of the VoIP, another choice is as it stands.

Avri Doria: (Unintelligible).

So we had a policy recommendation. (Ely), you're saying there's nothing there.

(Ely): Yes, it's there just go down a little bit and - yeah, exactly.

Avri Doria: Okay. But on L, we basically have that whole explanatory text there as opposed to an actual policy recommendation...

Woman: No...

Avri Doria: No, we had a policy recommendation.

Marilyn: It is a policy recommendation, just the customer, the explanatory text and...

Avri Doria: Okay, and that's the policy recommendation. Okay, that makes sense.

Woman: Yeah.

Avri Doria: Okay.

So Recommendation L and this is a standalone not a multiple choice. Certain policy-making responsibility should be delegated to the sponsor gTLD of the operators, but variations can be made based on characteristics of the sponsoring community.

Variations should be discussed - disclosed in charter for public discussion.

Examples of policy-making responsibility to be dedicated to the sponsor gTLD operators include but may not be limited to: charter and scope of sponsored community, eligibility, and the sponsored community - category, eligibility for a particular name, the concept of conflicts - dispute process as a service to the sponsored community. So basically, those who were looking for support are not on L here.

Any question, discussion? No. Okay.

So going through registry constituency on L support...

Man: Support.

Avri Doria: Support.

Registrar constituency?

Jon: Pending.

Avri Doria: Pending.

ISP?

Man: Support.

Avri Doria: Business?

Alistair: Support.

Avri Doria: Thank you.

IPC?

Kristina: Pending.

Avri Doria: Thank you.

NCUC?

Mawaki: Pending.

Avri Doria: And I would support. Sometimes I wish I could be pending.

Liz: Can I just double check that. BC, ISP, registries, and registrars said yes supported it and...

Woman: Thank you.

Avri Doria: Okay.

Moving on to Term of Reference 3, Policy for Price Controls for Registry Services.

3A was examined whether or not there should be a policy regarding price control and if so what the elements of that policy should be. Note the examples of price controls include price caps and same pricing for all registrars.

3B examine objective measures, cost calculation methods, and cost elements, reasonable profit margin for approving an application for price increase when a price cap exists.

So basically, the note here says the group did not reach agreement on whether or not there should be price - should be policy regarding price controls. One constituency stated that it was premature to formulate policy in the area of pricing.

So then, we get to the policy recommendations.

Huh?

((Crosstalk))

Avri Doria: Don't read it.

Man: Could we confirm that?

Avri Doria: Okay.

Man: That's not my recollection.

Avri Doria: Okay. So I guess, then we go through and find out would be whether there is support for policy regarding price control would be the question.

Man: Yeah.

Avri Doria: Okay. Thank you.

Okay. In which case, I'll go through the constituencies and ask if there is support for policy regarding price control.

So registry constituency, is there support for policy regarding price control?

Jeff Neuman: The registry constituency is specifically not voting on this issue and would caution, again, the rest of the people in the room that this raises very significant anti-trust concerns and should not even be voted on by the group.

Avri Doria: We're actually not voting but looking for levels of support. But, thank you.

Registrar constituency, is there support for a policy regarding price control?

Man: Yeah.

Avri Doria: Thank you.

ISP support for policy regarding price control?

Greg: Yeah.

Avri Doria: Okay.

Business community support for a policy regarding price control?

Man: Yeah.

Avri Doria: Thanks.

Marilyn: And Avri, I'm just going to make a statement having consulted with the legal counsel as well. Having a policy about pricing is not the same thing as setting the price. So I think we can really - could go into that discussion, but it's worth coming back to at another time.

When you discuss policy, there are other...

((Crosstalk))

Avri Doria: No, no, excuse me, you made a statement, she's made a statement...

Jeff Neuman: I just want to say that...

((Crosstalk))

Avri Doria: Statements.

Jeff Neuman: Thank you for your legal advice and...

Avri Doria: Right.

Man: That's great.

Avri Doria: Okay. Thank you.

Man: Thank you.

Avri Doria: Okay. Let me continue on.

IPC support or not for policy regarding price controls?

Kristina: I'm going to have to say pending on this one.

Avri Doria: Okay. Thank you.

NCUC support for policy regarding price controls?

Mawaki: NCUC does not support a policy regarding price control but the distinction that my industry has interest in considering.

Avri Doria: Okay. Thank you.

And I'm going to abstain.

Man: Pending.

Avri Doria: Pending. Well, yeah.

Okay.

And then we went to - okay, then we had the policy recommendations. We had an Option 1, which I was told not to read but -- and I won't -- but I want to - okay, this one is - there should be a determination whether the registry is market-dominant. And then where did we go from (unintelligible)?

Yes, this had the sequence chart. I remember the sequence chart.

Okay. Then we had - so we basically had that sequence for how one goes about doing the determination.

Jon Nevett: If I may, Avri, as the repertoire for this TOR, essentially, assuming that there should be a policy then we get to an either-or question. One, we'll call it the market-dominant version or two is the wait-and-see version.

So you could either support the - if you agree that there should be a policy for price - related to pricing, you have the market-dominant version as Version A or, I guess, we're calling an M here and N would be - requires further taskforce just on that issue.

Avri Doria: Okay, new taskforce.

Okay. Thank you for the summary.

Okay. So then I'll go through - if there's any questions before going through the constituency...

Okay. So the choice would be support for M or support for N. Support for M is the market-dominant procedure - process as indicated here and N is that there should be a new taskforce to consider such a policy or such policies.

So registry...

Man: Again, it's a no vote. And then just to Liz, it's not an abstention, it's specifically not voting and even stronger anti-trust caution on this one.

Avri Doria: Okay. Registrar constituency?

Microphone, yes?

Man: Yeah.

Avri Doria: Support for M? Okay.

Man: Yeah.

Avri Doria: Okay, because yeah, it can't - this can't be yes or no. Okay, sorry.

Okay.

ISP support for the market-dominant or support for a Taskforce N?

Man: M.

Avri Doria: M.

Okay, support for the market-dominant M.

Okay. Business constituency support for M, the market-dominant or N?

Alistair: M.

Avri Doria: M, yeah, this one is really tough, the market-dominant, that's why I'm sort of M for market-dominant.

Okay. IPC support for M, the market-dominant policy or N, the new taskforce?

Kristina: Pending.

Avri Doria: Thank you.

NCUC support for M, the market-dominant or N, the new taskforce?

Man: According to the documents, yeah, it's N.

Avri Doria: It's N, okay.

Thank you.

And I would abstain again.

Having - yes, having abstained on the first part, whether I know that there should be a policy, yeah.

Okay. Term of Reference 4, ICANN fees.

4A examine whether or not there should be a policy guiding registry fees to ICANN and if so what the elements of that policy should be. So...

Jon Nevett: Actually, I'm sorry. I need to - there was a mistake that we pointed out in the flowchart in the last one that wasn't corrected in the statement. So if - the equitable pricing for - to registrars - registrant.

Thanks. Sorry, Avri, I interrupt...

Avri Doria: That's okay.

So Liz, did you get...

Okay, great.

Okay. So we had Policy Recommendation O, and this one also another either-or. We had basically a no that said in order to improve ICANN accountability and effective business planning by registries, ICANN staff should immediately implement the system of ICANN fees from registries that avoid individual negotiations of ICANN fees and provide consistency unless there is established justification for disparate treatment.

And then there was - no, no, that was just it. It was support or not for that.

All right. Okay. So this was a support or not. Okay.

So any questions or clarifications on O?

Yes please.

Jeff Neuman: The indication here of taskforce members and stating our position should be changed. The registry constituency decision is pending on O and P.

Avri Doria: Okay. Well, I think that those are all going to change based on what we're doing now.

So, thank you. So I'll go through and ask for support.

Yes please.

Woman: I just had a point of clarification and with regard to the portion of Policy Recommendation O that first to provide consistency is that - I just want to make sure that I'm clear on this, that the system itself may have different tiers but whatever those tiers are would be applied consistently, or are we talking about a situation where there would just be kind of a base rate and that would just cut across the board?

Avri Doria: I'd like to ask someone from the repertoire group to speak to that?

Man: Sure. Yeah. The point was that equitable wasn't - didn't mean equivalent and that was a consistent as long as the approach is comparable.

Does that answer the question?

Avri Doria: Okay.

Any other questions or clarification? No. In which case, walk through the constituencies, registry constituency support for O?

Man: That was pending...

Avri Doria: Pending. That's right. Okay. I needed to ask again.

Registrar constituency support or not?

Jon: Yeah.

Avri Doria: Support, okay.

ISP constituency support or not?

Greg: Support.

Avri Doria: Okay. Thank you.

Business constituency support or not?

Alistair: Pending.

Avri Doria: Pending. Okay. Thank you.

IPC constituency support or not?

Kristina: Pending.

Avri Doria: Okay. Thank you.

NCUC support or not for O?

Mawaki: Pending.

Avri Doria: Okay.

And I will support it.

((Crosstalk))

Avri Doria: Okay.

NCUC was pending, IPC was pending, and BC was pending.

Is that far enough back? Okay.

And I was supporting.

Okay. 4B determine how ICANN public budgeting process should relate to the negotiation of ICANN fees, Policy Recommendation P or, I guess - I'm not even going to try and do the new numbers.

The ICANN Board should establish a taskforce or advisory committee to examine budgeting issues including the manner in allocation of revenue collection, budget oversight and budget approval processes. This group should solicit and review public comments on these issues.

And so, and that was not a multiple choice, that was simply a support or not for the recommendation of the establishment of a new taskforce to basically look into this issue.

Any clarifications, questions, comments?

Man: Can you just - the note, I'm not sure I understand...

Avri Doria: The note, the note, the note, which note?

((Crosstalk))

Liz Williams: Someone brought up the comment that the list of budgeting issues that were listed in that recommendation were beyond the scope of the term of reference itself. That was a note that I took during the conversation.

If people are going to support looking at a new taskforce, then it would be establishing a new term of reference anyway, so it's not going to hold there.

Avri Doria: Yes please.

Man: Just a clarification. It wasn't for the GNSO to establish a taskforce, but it was an ICANN Board...

Avri Doria: Right.

Man: ...taskforce or advisory committee. I think that was - right, okay.

Avri Doria: Yeah. So it basically says in the recommendation quite specifically ICANN Board and...

Okay. So, no other questions or comments. I'll go through the constituencies, looking for support for Policy Recommendation P to basically suggest that the Board establish taskforce or advisory group on budgeting issues.

So registry constituency support for Recommendation P?

Jeff Neuman: Pending.

Avri Doria: Pending. Thank you.

Registrar constituency support?

Jon: Yeah.

Avri Doria: Okay, support.

ISP?

Greg: Support.

Avri Doria: Thank you.

Business constituency support for Recommendation P?

Alistair: Support.

Avri Doria: Thank you.

IPC support or...

Kristina: Support.

Avri Doria: Thank you.

NCUC support for Recommendation P?

Man: As individual member of the first, I'll support it, but for the sake of confirmation from the competency, I would say pending.

Avri Doria: So pending? Okay.

And I'll support.

Okay. Moving on, Term of Reference 5, uses of registry data -- yes, I was on the plane by this point -- examine whether or not there should be a policy regarding the use of registry data for purposes other than for which it was collected and if so what the elements of that policy should be.

So Policy Recommendation Q and, again, I believe this was a standalone.

Woman: Yeah.

Avri Doria: Policy Recommendation Q, there should be a policy regarding the use of registry data which includes traffic data for purposes other than that for which it was collected.

Then there's a note, the development of the policy elements of this recommendation need to be discussed at the taskforce level. That means another taskforce, not this taskforce, correct?

Right. We're not saying that this taskforce needs to do it. It's another - yeah, another taskforce needs to do it.

Marilyn: I wrote that, it's the repertoire, and summarizing the opinions of the repertoire group, we did not conclude that work but we were sending it into this taskforce. So the question was...

Avri Doria: So, it's whether this taskforce should do more work on it? Okay. Thank you.

Okay. So going down, any questions, comments on Q? I guess I'm confused in reading it. So saying you support Q means that you support that there's a policy and you think that this taskforce should...

Marilyn: Avri, I think you should discuss the two parts. That's what we did in the previous...

Avri Doria: Okay. So I would basically look for support then you're recommending on two statements, Q1 which is there should be such a policy and then Q2 is there support for this taskforce doing work on it.

And I guess if there isn't support for Q2, then we'd be punching it back to the council saying yeah, we think there's a policy but it's not something that we would work on.

Does that make sense to people in terms of those two things that I'll be asking for?

Marilyn: I have a point of clarification. I see Denise is here and (Dan) is here, so - and Bruce is here, so maybe one of them could comment on this.

It's my understanding from reviewing the contract that was recently approved by the Department of Commerce and by the - that there is some reference to traffic data, but I'm not sure on that. But in any case, the treatment of traffic data and of registry data, I personally think, does need to be addressed by this taskforce.

The question of whether we can resolve it or whether it needs to be taken back to the council and further terms of reference developed for it, I think is going to be taken up at the council level.

But I think...

Avri Doria: That would be what comes out in Q1 and Q2 here. I mean that's basically a reiteration kind of what I just said.

Woman: Okay.

Avri Doria: I don't know if you guys wanted to comment since she asked for a question but if not, I'll just go through with the asking for levels of support.

Man: Yeah. I'm sorry, just - I'm not sure I understand the particular question.

Avri Doria: This is (Phil).

Man: There was a section about traffic data in the dot com group and they got approved just last February, but this is (unintelligible), it's about all registry data and might be about, you know...

Avri Doria: Yeah, and this was -right, okay.

So looking for levels of support on - or level of support on Policy Recommendation Q1 which is the statement there should be a policy regarding the use of registry data for purposes other than that for which it was collected.

So registry constituency, do you support Q1 that there should be a policy?

Man: Pending.

Avri Doria: Pending. Thank you.

Registrar constituency support?

Jon: Support Q1.

Avri Doria: Support Q1. Thank you.

ISP constituency?

Greg: Support.

Avri Doria: Thank you.

Business constituency support or not for Q1?

Alistair: Support.

Avri Doria: Okay, thank you.

IPC constituency support or not for Q1?

Kristina: Support.

Avri Doria: Thank you.

NCUC support or not for Q1, whether there should be a policy?

Mawaki: Pending.

Avri Doria: Pending. Okay. And I'll support.

Okay. Q2 is - and the development of the policy element for this recommendation should be discussed in this taskforce is the question Q2.

Yes please.

Kristina: I'm going to take advantage of the fact that I'm new and ask for some clarification.

If it's not done by a taskforce who...

Avri Doria: Okay. No. I think the difference is "a" taskforce or "this" taskforce. We get to basically work on or we get to go to the council, I believe, and sort of say, "We think it should be done but it ain't us."

Woman: So it's in our terms of reference and if we're not going to do it, then we have to go back to - however we're going to dispose of it, right, at the taskforce, we would need to go back to the council and say, "Here's the terms of reference, here's what we've done on the terms of reference, here's what we can't do, we

need more resources to do or don't have time to do," which seemed to me to be the...

Man: We can't reach agreement.

Woman: Or we can't reach agreement. Okay.

((Crosstalk))

Woman: Or we thought it was too big for us at this point in time.

Man: But it's probably not a good idea for us to just say, we'll we haven't even discussed it so we can't reach agreement.

Woman: True, but we could probably go back and say - I mean - and this is why we'll look for support. We could go back and say, there was no support for doing the work in the taskforce. I mean if that's what were to come out of it, then that's what could come of it.

((Crosstalk))

Man: The terms of reference is just basically guiding the scope of the things that you can work on, and it's perfectly reasonable to go back on any term of reference to say, you know, the taskforce didn't have anything - any recommendation in this area.

Avri Doria: Okay.

So on Q2, I'm looking for support on basically doing more work on this in this taskforce. And then, we'd have to figure out how we would go about doing that work.

Okay, going through the constituencies, registry constituency, should this taskforce do work on this policy?

Jeff Neuman: I think that's same as pending.

Avri Doria: Pending, okay.

Registrar constituency should we be doing - should we now do work on...

Jon: Yes.

Avri Doria: Thank you.

ISP?

Greg: Support.

Avri Doria: Support, okay.

Business constituency support?

Alistair: Support.

Avri Doria: Support for Q2. Okay.

IPC?

Kristina: Pending.

Avri Doria: Pending.

And NCUC support or not for doing further work in this taskforce on these policy elements?

Mawaki: Pending.

Avri Doria: Pending.

And, well it's a conflict of interest for me. Well, if we do it then I have to chair doing it.

((Crosstalk))

Avri Doria: I support.

((Crosstalk))

Avri Doria: Self-interest, exactly.

((Crosstalk))

Avri Doria: Okay.

((Crosstalk))

Avri Doria: Yes, I support.

Okay. 5B, policy recommendation, 5B, determine whether any policy is necessary to ensure nondiscriminatory access to registry data that is made available to third parties.

Policy Recommendation R, there should be a policy to ensure nondiscriminatory access to registry data that is made available but that policy should include safeguards on protection against misuse of the data.

And this one had “agreed by all taskforce members that further work is needed on the taskforce level,” that’s in this taskforce.

So - well, we probably - we’ve gone through everything else to commit, plus we didn’t have everyone - we did not have all constituencies there, so I would just assume - do a quick walk-through. But is there any question, clarification, comment before going through it?

No, okay. So I’ll ask each constituency for level of support for Policy Recommendation R. Yes. Or actually, it’s not policy recommendation so much as - well, no there is.

Yes?

Man: Yeah. Question, is there any assumption behind this suggestion where this all will be made available to third party? Have you thought of any specific scenario or assumption?

Avri Doria: Repertoire?

Marilyn: Yeah. So I was a repertoire on that. There were other parties quite involved in it.

What this says (unintelligible) is there should be a policy. It doesn't say it'll be a restrictive policy or a permissive policy, but it said more work should be done to determine what that policy is.

One of the elements of that policy that was agreed was there should be safeguards against misuse of the data when it's provided to third party. But otherwise, it leaves open the development of whether it's a restrictive policy or a permissive policy.

Man: Yeah. I'll tell you but, I mean, what you said, could have been said, I think, without mentioning "made available to third party." So...

Avri Doria: Yeah, but that's the term of reference.

Man: Okay.

Avri Doria: Okay. You want to - I thought you were trying to say something. Okay.

Okay. So I'll basically go through and I'll be looking for support for Policy Recommendation R that says both that there should be a policy and that we need to do further work on it.

Okay. Registry constituency, do you support recommendation either there should be a policy and we should do further work on it?

Man: Yes. I think it's pending, but I kind of agree that this presumes that such - the problem with this policy is it presumes that such data will be made available, which I think was why we had said that this recommendation as a whole needed much more work before we can actually vote on it.

I think pending but I don't think it's going to be something that's resolved in this meeting or any time soon, but it's pending, I guess.

Avri Doria: Okay, thank you.

Registrar constituency?

Man: Pending.

Avri Doria: Okay, ISP?

Man: Support.

Avri Doria: Support, thank you.

Business constituency?

Alistair: Support.

Avri Doria: Okay, thank you.

IPC?

Kristina: Pending.

Avri Doria: Thank you.

NCUC?

Mawaki: Pending. I'm sure there's more stuff in this policy recommendation, but you might want to be defining what registry data is.

Man: That's the issue, there's not more stuff.

Avri Doria: Excuse me, can I...

Marilyn: Repertoire on this topic?

Bruce, these are elements that are related to each other because they're both under Terms of Reference 5 and definition of registry data and what is included needs to be done in that top part as we devised within the repertoire group.

For instance, there is - and of course, embedded in earlier notes. For instance, there is a policy about the treatment of WHOIS data.

But so, one question might be is registry data - we had asked - by the way, and Liz may want to comment on this. We had asked for language from the registries, and the chair of the registry constituency had at one point agreed to come back to the repertoire group, but I think that just wasn't able to get done on some examples.

((Crosstalk))

Marilyn: Which was why there needs to be more work done on it, right?

Man: I mean just to comment from, you know, the biz agreement, this is strictly from biz, which is similar to the com but more restrictive in certain ways. The provision that runs the traffic data specifically excludes anything related to

WHOIS. And I'll be happy to go into more discussion on what we mean by traffic data when the time's right - when we move on with the work.

((Crosstalk))

Man: I mean I think we've just got to define what (unintelligible). I think there's just more work required here.

((Crosstalk))

Man: Yeah.

Man: And just one quick one for clarification. When you said traffic data and registry data, is it the same?

Man: I don't quite fully understand what's meant by registry data in this document. When I consider - I consider WHOIS and traffic data to be completely independent of each other.

Man: Okay. We're dealing with the terms of reference, so I think it's fair for (Jeff) to say he doesn't understand what the terms of reference mean, that the terms of reference were approved by the council.

Avri Doria: But we didn't - let me just finish, (Jeff).

So we didn't actually write in the terms of reference uses of registry data. We were given that by the council. One of the discussions we had, and we did ask several times, was for the registry constituency to give us examples of what they thought registry data was.

The terms of reference suggest a policy regarding the use of registry data for purposes other than that for which it was collected and what the elements of the policy should be.

Registry data, in the further discussion of this, it could be that the only thing that is addressed is traffic data. But we are lacking some of the essential inputs and I think Liz had just actually gone back a couple of times to try to provide more input on that.

Woman: Okay. I don't...

Avri Doria: Okay. So I think we've pretty much agreed and while I never manage to get my vote in on that one, I think we have to do more work.

Okay, Term of Reference 6, we need to get through. And by the way, we only have 15 more minutes and we have a bunch more to get done.

So, investment and development and infrastructure, examine whether or not there should be a policy guiding investments in development and infrastructure and if so, what the elements of that policy should be.

Policy Recommendation S, there should not be a policy guiding investments in development and infrastructure. ICANN should, however, establish baseline requirements, security and stability of the registries, and anything above that should be negotiated on a case-by-case basis if necessary.

Such baseline requirements should be recommended to the board by the Security Stability Advisory Committee (SSAC), after consultation with the gTLD registry operators. In determining these recommendations, the (SSAC) should also solicit and consider public comments.

Marilyn: Avri, I just need a point of clarification here. I have been in touch with Dave Piscitello who is the Stability and Security Advisory person. He and Steve Crocker are having a conversation about the proposal here.

You might want to clarify your views about this, but we need to have a further discussion with Dave about the implications of what this work may involve for the Stability and Security Committee.

So I'd like to get clarification from them about their intention, but just to note that the Stability and Security Committee do need to have further - think about what this kind of recommendation involves for them.

Avri Doria: Right. I think that, you know, when you look at this, there're really two levels to it. One is us saying that there should be a policy and somebody else should do it. And then, there's an extra level on who that is. We really don't get to say, we get to recommend that we think it's them, but...

Yes?

Jeff Neuman: I think from the registry side, this is pending. But I think, you know, Jon and I would kind say that it's an ICANN Board Committee, whether it's (SSAC) or not.

Woman: Right.

Man: But it's clear that it would be an ICANN Board...

((Crosstalk))

Man: ...appointed Committee and not a taskforce level point.

((Crosstalk))

Avri Doria: So yeah. I think what I'm going to ask for support here is that, I'm looking for people to say whether they support that there should not be a policy, but that an issue should be brought to the board concerning this one.

Bruce Tonkin: Can I also just comment on this and just the way it's worded a little bit.

But would you not specify in terms of the specification rather than specifying how much money needs to be spent to meet that specification? That's why I'm a bit confused with this because normally you would say, I'm trying to achieve 99.9% reliability and competition and market forces determine, you know, you do that the best way you can, but to specify you must spend \$10 million to achieve that, that's where I'm confused.

So during...

((Crosstalk))

Man: Okay. I mean we crafted the language, but...

Man: Yeah. I think that's exactly, Bruce, what we were proposing. We were proposing the performance level rather than specifying how much in business it should be. So I think that's really what we're stating our support of is whether we support a performance-level approach.

(Jeff): Yeah. So I think with the task - with the wording that Jon and I had done, it was more - it's actually more than service levels, in fact, it really didn't have

anything to do with service levels, it was more the equipment, the, you know, things that - baseline security, you know, disaster recovery policy, documented procedures. Yeah, it really wasn't service level.

But the distinction was that, I think we all kind of came to the conclusion -- I might be misstating so someone correct me -- we came to the conclusion that the terms of reference, the statement there really wasn't what we were addressing.

And so, the first sentence was, you know, we're not - there shouldn't be a policy guiding investment, but, you know, the taskforce said that there should be some baseline security requirements. And again, it wasn't limited to service levels; it was all sorts of different things.

Man: Yeah, I'd agree with (Jeff) on that. Essentially, we were talking about not whether the trains run on time like a service level, but protecting the tracks.

Bruce: I think this is very relevant to the new gTLD discussion because it's the same sort of thing they were trying to say what are the basic minimum specifications required either in terms of the original application you put in on the one side, but also contractually what you need to commit to maintain if you like. So I think that's a relevant area.

((Crosstalk))

Avri Doria: As opposed to taking the discussion further, can I go through and get sort of a level of discussion - I mean, level of support for the fact that, we got to ask the board to do something.

Okay, going through the constituency's registry.

Man: So at this point, it's pending.

Avri Doria: Pending. Okay.

Registrars?

Jon: Support.

Avri Doria: Okay.

ISP?

Greg: Support.

Avri Doria: Business constituency?

Alistair: Support.

Avri Doria: IPC?

Kristina: Pending.

Avri Doria: Thank you.

NCUC?

Mawaki: At this point it's pending. But I think the new - the language - the clarification that we just had needs to be done in the documents for...

Avri Doria: Okay, thank you.

And I'll support.

And, that brings us to the end. I will not go through that piece.

Liz Williams: Avri, can I just have a little intervention for one second please.

I just want to thank everybody for bearing with us as you went through that. I know it feels like you've done it twice. However, what it means now is that for the purposes of the chart, which you've just got to in that document, I can now completely remove the individual support elements of it that make it very difficult to read.

I can redefine the chart in terms of 1.A.1.2.3. However, the recommendation is now looked and I can actually demonstrate where constituencies sit for support and that's a really big improvement for this chart and it's a really big improvement for the state of the work. And so, thank you for that.

Then of course, the next task is to agree the task that's ahead of us over the next couple of months. And I don't know how far we'll get through it, Avri, but go for it.

Avri Doria: Okay. Now the first thing we had was...

Yes?

Man: Just quick notes, so are we going to have another report soon with those clarifications that's needed...

Avri Doria: Yeah, okay, okay, yeah.

Man: The definition and...

Avri Doria: Yeah.

((Crosstalk))

Man: So we will still have some pending points...

((Crosstalk))

Liz Williams: I'm going to wait until after this meeting because many of you have a constituency meeting. Tomorrow, some people will come back with things that will shift from pending to yes or no, which is terrific, and I'd seek some guidance from you of anything - anyone who has got things pending and doesn't get through it in a constituency meeting, could you please let me know what the status of it is because that will help me in revising both the chart and then the draft final report.

Avri Doria: Okay, (Jeff).

(Jeff): Just for the record, I know a lot of positions were changed to - from individual to constituency support. And just for the record, I'm sure that those constituencies will provide documented support for the record.

Woman: Okay.

((Crosstalk))

Kristina: Can we just - we've had this discussion. We can go back to our members with a report and...

Avri Doria: And then we'll also be - we've talked about the cycle that we're going to go through with the draft final report and people - constituencies will comment as they comment and I'm sure no one will slap anyone on the wrist if they don't happen to comment on something.

Yes?

Man: But there's also that constituency statement in the...

Avri Doria: Yes.

((Crosstalk))

Avri Doria: That's right. So you'll amplify it or not as the case may be.

Man: Exactly.

Avri Doria: Okay. I'd like to quickly get to the - and we're not obviously going to review the draft task report. It is being reworked at the moment. I had sent in a bunch of suggestions which I think for the most part had been accepted by the group, but there was no confirmation.

Just as a quick one, some of the modifications to the structure, the report had been attendance tables moved to the end of the addenda, while the repertoire groups need to be included as addenda, they should not be part of the body of the report. There had some discussion about this, a lot of discussion and content in there that doesn't belong in the report itself.

So, and said the brief report sent by Maureen, she called it a skeleton with some of the updates and corrections that have been discussed during the meeting that Liz has collected would be put in the place of a cut-and-paste repertoire groups and the repertoire reports would be included as addenda.

And the constituency reports remain in the report, though they should not mixed in with the repertoire content but should be individually included as sections in the main body of the report as seems to be the tradition with other taskforce reports.

And then, while the (unintelligible) table needs to be included as an addenda, on this case, it's the level of support table, it should include the level of support, which can be listed as - well, okay, that one's sort of gone by the by because we've done that one.

So that will be the restructuring of the draft final report which is the working, document that Liz will be coming out on.

Then - and is basically were there any comments on that particular reorganization or did that seem a way to proceed in terms of that?

Yes?

Man: I think that's a useful way to proceed, I would say.

Avri Doria: Okay, thank you.

Any other...

Liz Williams: Avri, just a point of clarification, if you don't mind. Thank you.

Anyone, if they want to send me text or amendments as we go along, that's gratefully received.

What I'm going to do is try to get some consistency across reports that may mean that the PDPs are reported in a similar way.

Any of you who are on the new TLDs report will see that the draft recommendations have come to the front of the document, they're set up as text right at the front of the document and then everything else falls in behind it.

So I'm going to try whatever we do to be consistent across our reporting.

Avri Doria: I think consistency is probably a good thing.

Okay. If not, I'd like to quickly try to get to the taskforce timeline and work program, and one thing is missing from there as it came out during these discussions.

Item 5, still needs a bunch of work and we need to be able to give content. So we have basically 0.0 on that one is, more work on five. And I'm not sure whether we're doing that in the whole taskforce, whether we go back to the repertoire group or how. I think we should do it in the taskforce, but I'm not quite sure as to how and when we get that done, so we need to figure that out. Then there's completion of the draft taskforce report.

Now, one thing that we did not have on here was we needed to make a report to the council at this meeting now and we had a pending commitment that we

were going to give the council something in this meeting that the council could decide to either pass on as an early indication of what the thinking was to the board or not -- that would be, of course, the council's decision -- but we did have that commitment which is not listed in this one either.

Yes?

Woman: I guess I've been assuming, based on our previous discussions, that what the review would be giving the council is a recommendation with a show of support without any additional narrative or background.

As I recall, the previous phone call we've had at the council level that Rita Rodin is a board member was on - an observer. Rita had stated that getting, you know, a strong assent from the council, from the (unintelligible) of the taskforce would be helpful.

A status report that just shows the recommendations and the show of support would be a factual report. Avri, I think that you as the chair would speak to in a report to the council.

Jeff Neuman: I would have to completely and utterly object to that. I don't think this report is in a position to be forwarded. I think there're still too many pending out there and I don't want to mislead the council.

I understand there are some similar members here that are involved, but I don't want a document that misleads the council into thinking that there's anything that there's not.

And I do want to add one thing that I would like the taskforce to ask the council, but I'll save that for after this part of the discussion.

Liz Williams: Avri, I wonder if the most expeditious way for us to get this little bit of it done is, if I just have a complete list of what needs to go on in the timeline. The first element is other work needed to be done by the taskforce.

The next one is the completion of the - the next one is the report to the council. The next one is the analysis of the taskforce report and when it could be - the draft taskforce report when it could be completed.

And how about I establish a timeline and then just come back to the group and ask them if that's acceptable and we do that by email because I know, Marilyn, you have a 10 o'clock commitment.

Marilyn Cade: We have a draft timeline, and one of the concerns I have is we need to be careful not to be pushing that timeline out. So the work on this -- I'll just speak for the business constituency -- the work on this needs to continue and, you know, we need to figure out how we advance the work, but we can't just keep extending the timeline further and further into the future.

So when you - when we look at a staff proposal on a timeline, I'd like to be sure that we see as short a timeline as can effectively accomplish this work in.

Liz Williams: That's understood, Marilyn. I have to tell you that I'm completely on the same page about effectiveness and efficiency. But I have to allow people to complete work and I have to allow pending decisions to be made formal. I have to allow the process to take place.

So I will come up with that and I'm grateful for anyone else who wants to put any (unintelligible) in.

Just so that all of you know, we're within the staff moving very much more to a formalized project management structure and way of doing things and this is very much more disciplined and work breakdown structure -- this is our latest big buzzword -- and that's actually going to really have a bearing on how I develop this and what elements of the work have to be done.

We also have to include of course internal - I don't like to use the word "approval process," but I certainly need to give Dan time to review what we come up with and I certainly need to give others in the internal staff the time for discussion about these very, very important issues.

So I understand your need for expeditious treatment, but there are other things that have to also take place at the same time.

Avri Doria: I'll certainly work with you on the trying to come up with a timeline that we suggest.

Now having past that, I think one of things that - I think Marilyn's right, I do need to get up and say something at the open council meeting tomorrow.

My tendency is to think that, taking into account what you said, that I do go through the recommendations, that I talk about levels of support and pending support, let people know that these things are still being talked about in the constituencies and elsewhere, let people know that it's something they can get up to the microphone and speak to.

And so, certainly, reporting on this is not closing it. It's not saying that that things are, you know, complete by any means. But I do think it's necessary to sort of say these are the suggested or these are the pending recommendations

with the levels of support that have been aggregated to them so far and pending and such.

I don't see - I certainly don't see a point to say, "It's all still up in the air," I don't think that's the case. I think it's in the process of formation. I think there's certainly a lot of work to be done yet.

Yeah?

Man: Just a question, Avri, I think, you said that you'll be doing that tomorrow is that...

Avri Doria: I believe...

Man: Is it Wednesday maybe because as far as...

((Crosstalk))

Avri Doria: You're right, yeah, yeah, yeah.

Man: So I guess my question is should we get you any changes from pending to recommendations before Wednesday. So essentially Tuesday evening or Wednesday morning we will, to the extent the registrar constituency comes up with any changes from - we have two or three in pending...

Avri Doria: Three, two, right.

Man: Status will move right over.

Avri Doria: Yeah. And as I say, I'll get up there. I'll do my best to try and portray it as neutrally and honestly, and I expect those of you that think I get it wrong to get up there and tell me I got it wrong.

Yeah?

(Jeff Neuman): So I would just like to ask a question. I had raised some points on the list about scope and implement, whether this stuff could actually be implemented, and the response I got generally was that's not the role of the taskforce, it's the role of the council. That may be the case, but I think it's incumbent upon the taskforce to bring that issue to the council.

Avri Doria: I will include...

(Jeff Neuman): And I think that it's not just a past restatement. I think that the taskforce has an obligation to bring to the council and the council has an obligation to bring it to the general council as to the applicability of any of these recommendations.

And I truly believe that if in fact as we believe that none of these or that a number of these recommendations cannot apply to any existing agreement...

Avri Doria: Okay.

(Jeff): ...that really the task - the council should either revisit the terms of reference depending on what the advice is from the general council and not - so there's a bunch of things in this report that say future work, but if the general council says that, "Look, none of these can apply to the existing contracts," then what do we do in the existing - the work for?

Avri Doria: Okay. Bruce, one thing before, you would say...

I'm certainly not going to go into that level of steps when I get up there. I will mention that there is an issue. At that point, it becomes the council's issue. The registry does have representative in the council who can then take that forward as much as they need to.

I will certainly mention that there is an issue and give it to the council to deal with as it sees fit. And as you've got, you know, council members, they should be able to represent that further.

(Jeff): Well, I mean, you know, that's fine. To me, it seems kind of people here are kind of passive on the fact of, you know, well, it may apply, it may not and who cares.

So I do think it's a very important issue that needs to be decided because we could be spending the next six months working on something that has no applicability to any existing agreement.

Bruce: Yeah. I mean (Jeff), I think your comment has probably already been covered in the past and you may not have been involved in that time, but I think that's essentially true, they don't affect.

If you look at the terms of most of the existing contracts and you look at the most of the terms of reference or recommendations, they would not impact, you know, a currently signed agreement.

Therefore, the purpose of the taskforce for most - I mean some of them may, some of them might but just at a general level that's all right now into the council and generally it would be known to this taskforce.

The issue is that for future a contract, so it could be that a registry operator has a contract cancelled for whatever reason, it was terminated by ICANN, and a new operator comes into to place for that specific TLD, then the policy would apply to that.

((Crosstalk))

Man: You know what? We should not be debating this.

Woman: Yeah, we should...

((Crosstalk))

Man: ...in this forum. I mean there's a president providing his report right now and we should be all out there.

Avri Doria: Right, thank you.

((Crosstalk))

Man: ...whether we debate it or not, it's a question that needs to be answered.

Avri Doria: And bring it up tomorrow, I mean bring it up Wednesday. Right.

((Crosstalk))

Man: I don't believe we have.

Avri Doria: Okay. Okay.

I'd like to basically thank everyone for walking through the stuff in this meeting, and the meeting's closed.

END